

## Message Text

LIMITED OFFICIAL USE

PAGE 01 SANTIA 06088 082004Z

73

ACTION L-03

INFO OCT-01 ARA-06 ISO-00 SCA-01 JUSE-00 OPR-02 ( ISO ) W  
----- 017210

R 081915Z SEP 75  
FM AMEMBASSY SANTIAGO  
TO SECSTATE WASHDC 4685

LIMITED OFFICIAL USE SANTIAGO 6088

E. O. 11652: N/A  
TAGS: CI, PFOR  
SUBJECT: EXTRADITION TREATY NEGOTIATIONS - CHILE.

REF: SANTIAGO 6050

1. ARTEAGA AND STEVEN MET SEPTEMBER 5 FOR SHORT SESSION. ARTEAGA  
VERY BUSY AND SO FAJ UNABLE TO CONSULT WITH BUZMAN ON POINTS  
RAISED SEPTEMBER 3. APPEARS PROBABLE THAT WHATEVER TEXT COMES  
OUT OF THIS ROUND WILL NOT BE GIVEN FINAL APPROVAL BY GOC UNTIL  
BOTH BAZAN AND GUZMAN HAVE LOOK AT IT. THUS AS EXPLAINED REFTEL  
IT MAY BE MID-OCTOBER BEFORE DEPT WILL HAVE FINAL GOC-APPROVED  
TEXT UPON WHICH TO BASE REQUEST FOR SIGNING AUTHORITY.

2. POINTS COVERED SEPTEMBER 5 FOLLOW:

ARTICLE VII - ARTEAGA ACCEPTED DELETION FROM ENGLISH TEXT  
OF "ANY OF" AND CHANGE TO "SHALL NOT."  
AGREED ELIMINATE ACCENT IN "QUIEN."  
ARTICLE VII, 5, C - PROBLEM OF "PASSENGER AIRCRAFT" -  
ARTEAGA APPRECIATES OUR PREFERENCE NOT TO CHANGE TEXTS ON THIS  
POINT, BUT QUESTIONS WISDOM OF PERPETUATING IN THIS TREATY FOR  
THAT REASON ALONE WHAT BOTH HE AND BAZAN CONSIDER SUBSTANTIVE  
DIFFERENCE IN TWO TEXTS. FURTHER QUESTION AROSE OVER APPLICABILITY  
OF SECTION TO AN AIRCRAFT SUCH AS B707 CONFIGURED SOLELY FOR CARGO.  
IS SUCH AN AIRCRAFT COVERED? ARTEAGA FINALLY SUGGESTED THAT  
GOC COULD PROBABLY ACCEPT DEPT PROPOSAL TO LEAVE DIFFERENCE  
IN TEXTS AS ORIGINALLY AGREED, IF USG WOULD PROVIDE FORMAL DIPLOMATIC  
NOT TO GOC EXPLAINING BACKGROUND OF PROBLEM AND INDICATING USG  
UNDERSTANDING THAT ENGLISH TEXT IS TO BE INTERPRETED AS INCLUDING  
LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 SANTIA 06088 082004Z

A COMMERCIAL PASSENGER AIRCRAFT, WHETHER OR NOT IT HAD PASSENGERS

AS DISTINCT FROM CREW ABOARD AT TIME OF COMMISSION OF OFFENSE.  
HE WOULD ALSO LIKE TO SEE POINT ON CARGO AIRCRAFT COVERED IN SUGGESTED

NOTE. THIS RECORD OF "NEGOTIATING HISTORY" WOULD BE FILED IN  
FON MIN AGAINST FUTURE NEED. HIS PREFERENCE IS TO ALIGN THE  
TEXTS BY CORRECTING ENGLISH, BUT HE BELIEVES ALTERNATIVE OF NOTE  
WOULD PROBABLY BE ACCEPTABLE SOLUTION. PLEASE ADVISE.

ARTICLE VIII - AGREED ACCEPT SUBSTITUTION OF "FUERA PUNIBLE"  
AS PROPOSED. AGREED USE "COUNTRY" IN LINE 3 OF ENGLISH TEXT.  
NO CHANGE IN SPANISH TEXT. SOME CONFUSION AROSE OVER LINES 4 AND 5  
OF SPANISH TEXT, AS NEITHER GOC COPIES NOR USG COPIES SENT BY  
GAIKER TO STEVEN AUGUST 22 HAD WORD "RECLAMADA" AFTER "EXTRADICION."  
HOWEVER REVIEW OF EARLIER DRAFTS AND VARIOUS MARKINGS ON LATEST  
ONES LED TO CONCLUSION HUMAN ERROR HAD CREPT IN, AND CORRECTION  
MADE. ARTEAGA ALSO WISHES STRAIGHTEN OUT FIRST PART OF LINE 4  
SO IT WILL READ "LEYES DE LA PARTE REQUERIDA (COMMA)." US OF  
"PARTE" WILL BE CONSISTENT WITH REST OF PARAGRAPH. ACCEPTS  
DEPARTMENT'S PROPOSED SPANISH TEXT FOR REST OF PARAGRAPH,  
BUT SEES NO NEED FOR "LAS" BEFORE "GARANTIAS" AND REQUIRES  
COMMA AFTER "SUFICIENTES."

ARTICLE IX - DIFFERENCE MUST BE REFERRED TO GUZMAN FOR OPINION.

ARTICLE X - AGREED ON NO CHANGES.

ARTICLE XI - AGREED TO CHANGE ENGLISH "OR" TO "AND"  
AND UNDERSTOOD THAT USG REQUESTS WILL CONTAIN SUGGESTED STATEMENT.  
THERE IS PRESCRIPTION FOR THE PENALTY IN CHILEAN LAW. ARTEAGA  
DID NOT AGREE THAT "EMANDOS" SHOULD BE SINGLUAR. HE EXPLAINED

THAT WORD REFERS BACK TO PRECEDING ITEMS, "UNA ORDEN DE DETENCION"  
AND "UN AUTO DE PROCESAMIENTO." FIRST IS FEMININE, SECOND MASCULINE,  
AND IN REFERRING TO TWO OBJECTS OF DIFFERENT SEX, MASCULINE  
PLURAL "EMANDOS" IS CORRECT. IN SPANISH PARAGRAPH 4, ARTEAGA  
MAINTAINS THAT "DEBAN" IS PREFERABLE, NOT "DEBEN." HE SAID  
"DEBAN" IS PRESENT SUBJUNCTIVE TENSE AND MATCHES "SERAN"  
AT END OF SAME LINE. IF WE ARE GOING TO ARGUE THESE LATTER TWO  
POINTS, PLEASE PROVIDE FULL EXPLANATION IN SPANISH. AGREED THAT  
"AUTENTICADA" IS PREFERABLE. AGREED TO CHANGES IN "PUBLIC"  
AND "IN" IN SUBPARAGRAPH B OF ENGLISH TEXT AND "EN" FOR "DE"  
IN SPANISH.

ARTICLE XII - REVERSION TO ORITINAL "ACCUSED OR CONVICTED"  
AGREED. HOWEVER, ARTEAGA DOES NOT UNDERSTAND RATIONALE FOR  
LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 03 SANTIA 06088 082004Z

PROPOSED CHANGE FROM "SE ANUNCIA EL PROPOSITO, ETC." TO "SE  
INDICA LA FINALIDAD DE LA SOLICITUDE, ETC." HE FINDS FIRST  
PHRASE IS PERFECTLY CLEAR AND SECOND, PROPOSED BY DEPARTMENT,  
TOTALLY OBSCURE. HE ADDS THAT FIRST PHRASE COMES FROM 1933 TREATY  
OF MONTEVIDEO, WHICH HAS BEEN BASIS OF GOC EXTRADITION ARRANGEMENTS  
WITH SEVERAL OTHER LA NATIONS, AND WOULD PREFER TO STICK WITH IT  
UNLESS WE HAVE BETTER EXPLANATION. HE BELIEVES TEXT AS IT STANDS  
CONVEYS OBVIOUS INTENT, WHICH AS DEPARTMENT STATES IS ONLY TO

SUPPLY PURPOSE FOR REQUEST. AMENDMENT OF LAST PART OF SENTENCE  
AS PROPOSED IS ACCEPTABLE.

3. NEGOTIATION WILL BE CONTINUED ON REMAINING POINTS AT CONVENIENCE  
OF GOC. ARTEAGA WILL TRY TO SCHEDULE TIME SEPT 9 OR 10,  
BUT NEXT TWO WEEKS ARE PERIOD OF MAJOR CHILEAN NATIONAL HOLIDAYS  
AND CELEBRATIONS, AND WE EXPECT FURTHER NEGOTIATIONS WILL HAVE  
TO WAIT UNTIL WEEK SEPTEMBER 22.

POPPER

LIMITED OFFICIAL USE

NNN

## Message Attributes

**Automatic Decaptoning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** EXTRADITION AGREEMENTS, NEGOTIATIONS  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 08 SEP 1975  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** GolinoFR  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1975SANTIA06088  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** n/a  
**Enclosure:** n/a  
**Executive Order:** N/A  
**Errors:** N/A  
**Film Number:** D750310-0842  
**From:** SANTIAGO  
**Handling Restrictions:** n/a  
**Image Path:**  
**ISecure:** 1  
**Legacy Key:** link1975/newtext/t19750974/aaaacnjj.tel  
**Line Count:** 124  
**Locator:** TEXT ON-LINE, ON MICROFILM  
**Office:** ACTION L  
**Original Classification:** LIMITED OFFICIAL USE  
**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 3  
**Previous Channel Indicators:** n/a  
**Previous Classification:** LIMITED OFFICIAL USE  
**Previous Handling Restrictions:** n/a  
**Reference:** 75 SANTIAGO 6050  
**Review Action:** RELEASED, APPROVED  
**Review Authority:** GolinoFR  
**Review Comment:** n/a  
**Review Content Flags:**  
**Review Date:** 05 SEP 2003  
**Review Event:**  
**Review Exemptions:** n/a  
**Review History:** RELEASED <05 SEP 2003 by ElyME>; APPROVED <01 DEC 2003 by GolinoFR>  
**Review Markings:**

Margaret P. Grafeld  
Declassified/Released  
US Department of State  
EO Systematic Review  
06 JUL 2006

**Review Media Identifier:**  
**Review Referrals:** n/a  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** EXTRADITION TREATY NEGOTIATIONS - CHILE.  
**TAGS:** PFOR, CI, US  
**To:** STATE  
**Type:** TE  
**Markings:** Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 06 JUL 2006